

24, 2005, while serving in Operation Iraqi Freedom. He was a member of the 3rd Armored Cavalry Division, and was killed when an improvised explosive device, IED, detonated near his military vehicle in Baghdad.

A graduate of Parkston High School, Staff Sergeant Montefering was serving his second tour of duty in Iraq. He will be remembered as a hard worker who was always ready to get his hands dirty, according to his former employer. While in high school, Jason worked part time at Murtha Repair in Parkston. Owner John Murtha remarked that Jason "would sweep up and then help the mechanics. All of the guys liked working with him. He was a real good kid."

Staff Sergeant Montefering is the 11th servicemember from South Dakota killed during hostilities in Iraq. He served our country with honor and died a hero defending it. My thoughts and prayers are with his family during this difficult time, as well as all those who have loved ones serving overseas.

I commend Staff Sergeant Montefering's commitment to his family, his Nation, and his community. Without question, his dedication to helping others will serve as his greatest legacy, and our Nation is a far better place because of Staff Sergeant Montefering's contributions.

I join all South Dakotans in expressing my sympathies to the friends and family of Staff Sergeant Montefering. I know he will be deeply missed, but his service to our Nation will never be forgotten.

SERGEANT JASON T. PALMERTON

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of SGT Jason T. Palmerton of Auburn, NE, a Green Beret in the U.S. Army. Sergeant Palmerton was killed by small arms fire while on foot patrol on July 23 in Qal'eh-Yegaz, Afghanistan. He was 25 years old.

Sergeant Palmerton was born in Hamburg, IA, and grew up in Nebraska. He graduated from Auburn High School in 1998 and enlisted in the Army in 2002. Sergeant Palmerton was assigned to the 1st Battalion, 3rd Special Forces Group based in Fort Bragg, NC, and had been in Afghanistan for 6 weeks. He had learned Arabic and was working as a communications specialist. Sergeant Palmerton will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like Sergeant Palmerton are currently serving in Afghanistan.

Sergeant Palmerton is survived by his mother Denise Brown, of Auburn; father Steve Palmerton of Norman, OK; sisters, Elizabeth Schlange of Auburn, Amanda Palmerton of Omaha and Chelsea Palmerton of Norman; grandparents, Herman and Alice Moenning of Lincoln, and Thomas Palmerton of Brownville; and fiancée Shelley Austin of North Carolina. Our thoughts and prayers are with them at this difficult time. America is proud of

Sergeant Palmerton's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring SGT Jason T. Palmerton.

STRIKING THE PRESIDENTIAL WAIVER AUTHORITY IN AMENDMENT NO. 1556

Mr. MCCAIN. Mr. President, on Monday I offered an amendment that would prohibit cruel, inhuman, or degrading treatment or punishment of persons under the custody or control of the U.S. Government. I was pleased that Senators WARNER, GRAHAM, and COLLINS joined as original cosponsors, and Senators CHAFEE and ALEXANDER have also joined as cosponsors.

After I offered the amendment, I agreed to modify it at the manager's request to include a Presidential waiver—section (b) of the pending amendment. It is now clear, however, that this would be inconsistent with the overall intent of my amendment, which is to ensure that there is full compliance with our treaty obligations, including with the prohibition against cruel, inhuman, and degrading treatment included in the Convention Against Torture, which was signed by President Reagan and ratified by the Senate.

For this reason, I have filed a second-degree amendment to amendment No. 1556 that would strike the waiver. When the Senate resumes consideration of the Defense authorization bill, I will either modify the pending amendment, seek action on the second-degree amendment, or simply file a new amendment without the waiver. In short, I will offer for consideration—and seek passage of—a statutory prohibition against cruel, inhuman, or degrading treatment or punishment, without a Presidential waiver.

SETTING THE RECORD STRAIGHT ON PAWS

Mr. SANTORUM. Mr. President, on May 26, 2005, I introduced with my colleague Senator DURBIN the Pet Animal Welfare Statute of 2005, or PAWS. PAWS amends the Animal Welfare Act to strengthen the Secretary of Agriculture's authority to deal with the problems of substandard animal dealers.

I want to make clear to our colleagues and the public that we believe the vast majority of animal dealers are conscientious persons who make every effort to treat their animals humanely and to comply with the law. But, unfortunately, there are some animal dealers who do not care properly for their animals and who seek to profit at the expense of the animals and the public. They exploit the weaknesses and loopholes in the current law to evade or ignore basic standards for the care and condition of animals. These substandard dealers give the entire pet industry a black eye, all the while prey-

ing upon the public. It is these unscrupulous animal dealers at which PAWS is targeted.

PAWS strengthens the Secretary of Agriculture's authority to deal with substandard animal dealers by making four important improvements to the Animal Welfare Act. First, it will bring under coverage of the Animal Welfare Act high volume dealers who are in every respect like those dealers currently regulated, but are evading regulation because they sell animals exclusively at retail. PAWS will continue to exempt real retail pet stores, and will add a new exemption for small dealers and hobby and show breeders. Second, PAWS will help the Secretary of Agriculture identify persons not complying with the law by requiring those who acquire animals for resale to keep records of the source from whom the animals are acquired and make these records available to the Secretary upon request. Third, PAWS will create an incentive for dealers to quickly correct serious problems by giving the Secretary authority to temporarily suspend dealers' licenses for up to 60 days if a violation is placing the health of an animal in imminent danger. Finally, PAWS will strengthen the authority of the Secretary to obtain injunctions to shut down dealers who fail to comply with the law.

The marketplace for animals has changed dramatically since the 1970s when the current animal dealer provisions of the act were written. At that time only retail pet stores and small hobby and show breeders sold pet animals, so regulating wholesale sellers and exempting persons who sold animals at retail and were regulated by the market made some sense. With the advent of the internet, mass national marketing channels, and mass importation of puppies for resale, there are a large number of unregulated dealers who are in every respect identical to the dealers regulated by the act, except that they evade regulation by selling exclusively at retail. By regulating these high volume retail sellers, we will assure that they meet the same standards for the humane care and treatment of animals that breeders and brokers selling at wholesale have been meeting for 30 years.

PAWS defines the term "retail pet store" so that only real retail pet stores are exempt, where customers can see the animals and the conditions where they are kept. PAWS also adds a specific exemption for small dealers and hobby and show breeders. Only persons who sell more than 25 dogs per year would be regulated. In addition, breeders who sell dogs and cats from fewer than 7 litters a year bred or raised on their own premises, or fewer than 25 dogs and cats per year bred or raised on their own premises, which ever is greater, would be exempt. For example, if an Irish setter breeder has 6 litters that average 6 puppies each for a total of 36 puppies, they can sell them without being regulated. If a toy